

The Honorable Robert Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HASSAN HIRSI, an individual,
Plaintiff,

v.

THE HERTZ CORPORATION, a Delaware
corporation, HERTZ TRANSPORTING, INC, a
Delaware corporation, FIREFLY RENT A CAR
LLC, a Delaware company and DTG
OPERATIONS, INC., an Oklahoma corporation,
Defendants.

Case No. 2:16-cv-00333 RSL

**MOTION FOR FINAL APPROVAL
OF SETTLEMENT**

**NOTE ON MOTION CALENDAR:
December 5, 2018 at 10:00 a.m.**

Class Representative Hassan Hirsi, by and through Counsel for the Class, Badgley Mullins Turner, PLLC and the Law Office of Daniel Whitmore (“Class Counsel”), respectfully submits this Motion for Final Approval of the Settlement.¹ Settlement Class Members have received reasonable notice of the proposed settlement and have had the opportunity to opt-out or object. To date, no Settlement Class Members have objected, indicating that they view the settlement as fair and reasonable.

I. FACTUAL STATEMENT.

This action was originally filed in King County Superior Court on January 22, 2016. Defendants The Hertz Corporation, Hertz Transporting, Inc., Firefly Rent-A-Car, LLC, and DTG

¹ Unless otherwise provided herein, all capitalized terms in this Motion shall have the same meaning as set forth in the Order Granting Class Certification and Preliminarily Approving Class Action Settlement. Dkt. #49.

Operations, Inc. (collectively, “Hertz” or “Defendants”) removed the case to federal court on March 4, 2016. An Answer to the Plaintiff’s Complaint was filed on March 11, 2016. Dkt. #10. Between November 2017 and May 2018, counsel for the Parties participated in earnest and arms-length settlement negotiations. On or around June 8, 2018, the Parties entered into a settlement agreement, (the “Settlement Agreement”). Under the Settlement Agreement, Hertz will pay Settlement Class Members a gross total of Six Hundred Forty Thousand, Four Hundred Ninety-Four Dollars, and Sixty-Seven Cents (\$640,494.67), inclusive of requested incentive awards and attorney’s fees.

On July 27, 2018, Judge Robert S. Lasnik granted the Stipulated Motion for Certification of Settlement Class and for Preliminary Approval of Class Action Settlement (Dkt. #47). In doing so, the Court conditionally certified the following settlement class:

All employees of The Hertz Corporation, Hertz Transporting, Inc., Firefly Rent A-Car, LLC, and DTG Operations, Inc. (collectively, “Hertz”) who: (a) at any time during the period from January 1, 2014, to October 31, 2015, reported to (*i.e.*, clocked in and clocked out at) a worksite within the City of SeaTac; (b) can be ascertained from Hertz’s records as having had a base hourly wage rate at any time during this same period that was less than the minimum hourly wage prescribed by the City of SeaTac’s Ordinance Setting Minimum Employment Standards for Hospitality and Transportation Industry Employers, City of SeaTac Municipal Code Chapter 7.45 (the “Ordinance”); and (c) prior to March 1, 2018, did not file a wage complaint against Hertz with L&I pursuant to the 2006 Wage Payment Act, RCW 49.48.082-.087, asserting a claim of underpayment of wages during this same period premised upon an alleged violation of the Ordinance (“L&I Wage Claim”) (provided, however, that any person who filed, but timely withdrew, such an L&I Wage Claim prior to March 1, 2018, is included in the Putative Class).

Dkt. #49. For this settlement, Dahl Administration, LLC was appointed Class Administrator.

On August 21, 2018, Dahl Administration began mailing the approved Class Notice to the 185 Settlement Class Members. Affidavit of Kelly Kratz, ¶4, Dkt. #53. Fifty-eight of these notices were returned as undeliverable, and Dahl Administration sent those to a professional address search firm for tracing to identify good addresses for remailing. *Id.*, ¶7. After two

subsequent waives of mailing, a total of twelve notices were determined undeliverable. *Id.* Thus, it appears that 93.5% (173 out of 185) of Settlement Class Members received the mailing. *Id.* As of November 8, 2018, no opt-outs or objections have been received by Dahl Administration. *Id.*, ¶¶8-9.

On August 27, 2018, Plaintiff's Counsel filed a Motion for Attorney's Fees, and Incentive Awards for Class Representative. Dkt. #50. Class Counsel seeks a ruling that motion in conjunction with the Court's final approval of the Settlement.

II. DISCUSSION.

A. Settlement Class Members Received Notice of the Settlement and the Opportunity to Opt-Out.

In its July 27, 2018 Order, the Court set the guidelines for providing Settlement Class Members with notice of the Parties' proposed settlement. Dkt. #49, pgs. 4-5. Dahl Administration has diligently distributed the Class Notice to Settlement Class Members. The Court-approved form of Class Notice was mailed to the last known address for each Settlement Class Member and Dahl Administration took steps to rectify undelivered notices.

As the evidence provided with this Motion demonstrates, the Parties have completed the Court-ordered notice program and provided Settlement Class Members the opportunity to opt-out. As result, zero (0) Settlement Class Members chose to opt-out.

B. No Settlement Class Members Have Objected to the Class Definition or Allocation Plan.

The Class Notice mailed to Settlement Class Members identified the Parties' proposed class definition and plan of allocating settlement funds. The Class Notice also provided detailed instructions for Settlement Class Members to submit objections, including the following:

If you do nothing and you are a Settlement Class Member, you will be deemed to have waived your right to litigate your case individually, and you will participate

1 in the Settlement of the Action as described above in this Notice if the Settlement
2 is approved.

3 Dkt. #49, pg. 2; Dkt. #48-2. To date, Class Counsel has received no objections from Settlement
4 Class Members on any subject. Thus, the Court should certify the proposed class definition and
5 plan for allocation of settlement funds.

6 III. CONCLUSION

7 As the evidence attached to this Motion demonstrates, Settlement Class Members have
8 been provided the opportunity to object or opt-out of the proposed Settlement. To date, no Class
9 Member has done so. As such, Class Counsel moves the Court to, consistent and in accordance
10 with the terms of the Parties' Conditional Settlement Agreement (Dkt. #48-1): (1) approve the
11 class definition, (2) approve the proposed class action settlement, and find it fair, reasonable, and
12 the result of arm's length negotiations, (3) order Hertz to fund the settlement, and (4) order the
13 distribution of settlement funds to Settlement Class Members.
14

15 DATED this 16th day of November, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on November 16th, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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